

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL L. LIBECAP, SR.,

Plaintiff,

vs.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

Case No. 3:16-cv-374

District Judge Walter H. Rice  
Magistrate Judge Michael J. Newman

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael J. Newman (Doc. #12), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. #12) is **ADOPTED** in full;
2. The Commissioner's non-disability determination is **REVERSED**;
3. This matter is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings; and
4. This case is terminated on the docket of this Court.

Date: 8-21-17



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE